

Lexington, Kentucky October 6, 2005

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on October 6, 2005 at 7:00 P.M. Present were Vice-Mayor Mike Scanlon in the chair presiding in the absence of Mayor Teresa Ann Isaac, and the following members of the Council: Council Members Farmer, Gorton, McChord, Moloney, Myers, Shafer, Stevens, Stinnett, Wigginton, Brown, Cegelka and Ellinger. Absent were Council Members Lane and DeCamp.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 258-2005 thru 276-2005 inclusive and Resolutions No. 493-2005 thru 523-2005 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Pastor Thomas Duval, World of Hope Lutheran Church.

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An Ordinance amending Ordinance No. 267-2004, as amended by Ordinances Nos. 220-2005 and 224-2005, relating to the schedule of meetings for the Urban County Council for Calendar Year 2005 to change the starting time for work sessions from 1:30 p.m. to 3:00 p.m. beginning October 6, 2005 was on the docket for second reading.

Mr. Farmer made a motion, seconded by Ms. Shafer, to table the ordinance until the times of committee meetings and work session were discussed in the Intergovernmental Committee meeting to be held in November.

There was a discussion among the Council on the motion.

The motion passed by unanimous vote.

The ordinance was removed from the docket until a later date after the Intergovernmental Committee meeting has been held.

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The following ordinances were given second reading and passed by the following vote:

Aye: Farmer, Gorton, McChord, Moloney, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Cegelka, Ellinger ----- 13

Nay: ----- 0

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone for 24.42 net (24.77 gross) acres, and from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone for 2.34 net (2.67 gross) acres, for property located at 1055 Greendale Road and 1075 Greendale Road (a portion of). (Ball Homes, LLC.)

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone for 8.64 net (8.72 gross) acres, and from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone for 1.17 net (1.17 gross) acres, for property located at 803 Greendale Road and 2551 Leestown Road (a portion of). (Ball Homes, LLC)

An Ordinance changing the zone from a Two Family Residential (R-2) zone to a Townhouse Residential (R-1T) zone for 0.73 net (0.97 gross) acre, for property located

at 408, 412, 416-418 and 422-426 South Mill Street. (WML Properties, LLC & South Hill Group, LLC)

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 77.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Environmental and Public Protection Cabinet, which grant funds are in the amount of \$149,690.44 Commonwealth of Ky. funds, are for continuation of the Anti-Litter Program, the acceptance of which obligates the Urban County Government for the expenditure of \$49,900.00 as a local match, appropriating funds pursuant to Schedule No. 78, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$132,000.00 Federal funds, are for the development of a Regional Bicycle and Pedestrian Plan, the acceptance of which obligates the Urban County Government for the expenditure of \$33,000.00 as a local match, appropriating funds pursuant to Schedule No. 79, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the issuance of Lexington-Fayette Urban County Government General Obligation Public Project Refunding Bonds, Series 2005 in an aggregate principal amount not to exceed \$63,000,000 to (I) currently refund the outstanding principal amount of Lexington-Fayette Urban County Government Public Facilities Corp. First Mortgage Revenue Bonds, Series 1995, the proceeds of which were used to finance the construction, renovation, installation and equipping of various pool and aquatic projects and (II) to refund in advance of maturity the outstanding principal amount of Lexington-Fayette Urban County Government General Obligation Bonds, Series 1999 (Lexington-Fayette County Detention Center Project), the proceeds of which were used to finance a detention center; approving a form of bond; authorizing designated officers to execute and deliver the bonds; providing for the payment and security of the bonds; creating a Bond Payment Fund and Escrow Funds; maintaining the heretofore established Sinking Fund; authorizing acceptance of the bid of the bond

purchaser for the purchase of the bonds; authorizing an Escrow Trust Agreement; and repealing inconsistent ordinances.

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An Ordinance creating Section 3-28 of the Code of Ordinances of the Lexington-Fayette Urban County Government to mandate responsible beverage service training for any person who sells or serves alcoholic beverages, to prohibit the sale or service of alcoholic beverages by any person who has not satisfied the training requirements, to provide a sixty (60) day grace period; to require licensees to maintain records regarding the training requirements, and to establish the required contents of training programs; amending subsection (b) and creating subsection (k) of Section 3-26 of the Code of Ordinances of the Lexington-Fayette Urban County Government to establish a penalty for violations of Section 3-28 at a fine of not less than \$10.00 and not more than \$100.00 for each offense; effective six months from date of passage was given second reading and passed by the following vote:

Aye: Gorton, McChord, Moloney, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Cegelka ----- 11

Nay: Farmer, Ellinger ----- 2

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An Ordinance amending Ordinance No. 105-2005 relating to a change in zone for property located at 2679 Leestown Road and a portion of 2601 Leestown Road to correct a typographical error in identifying the proper zoning designation for Planned Shopping Center was given first reading.

Upon motion of Mr. Wigginton and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: Farmer, Gorton, McChord, Moloney, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Cegelka, Ellinger ----- 13

Nay: ----- 0

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The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance amending Sections 1-11, 19-2, 19-8, 19-8(d), 19-9(a) and 19-11(e), (f) and (g) of the Zoning Ordinance and Section 1-12 of the Land Subdivision Regulations; to re-define the terms “development improvements”, “floodway” and “lowest opening”, to permit structures in a floodway only as permitted as a special

permit use, to clarify the requirements for elevated buildings and the filing procedure for issuing special permits, and to expand the criteria for issuance of a floodplain variance; and creating subsection 19-7(h) of the Zoning Ordinance to regulate streams within special flood hazard areas that do not have base elevations or floodways.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds remaining in FY 2005 into FY 2006 as approved at the September 27, 2005 Council Work Session, Schedule No. 89.

An Ordinance authorizing the Mayor to execute an Agreement with 30 Hollenberg Group, LLC, for the right to publicly perform and utilize the “Telephone Doctor” System and appropriating funds pursuant to Schedule No. 83.

An Ordinance authorizing the Mayor to accept a Grant from the U.S. Dept. of Justice, Office on Violence Against Women, which grant funds are in the amount of \$350,000.00 Federal funds, are for continuation of the Safe Havens Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 85, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the U.S. Dept. of Health and Human Services, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$50,000.00 Federal funds, are for operation of the Parent Resource Center for a Bright Future for a second year, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 86, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Property and Evidence Supervisor, Grade 111E and amending Section 21-5 of the Code of Ordinances, creating one (1) position of Property and Evidence Supervisor, Grade 115E effective upon the date of passage, all within the Div. of Police, and appropriating funds pursuant to Schedule No. 88.

An Ordinance directing the Mayor, pursuant to Section 8.02 of the Charter, to submit the proposed annual operating and capital improvements budgets to the Urban County Council no later than the 2nd Tuesday in April of each calendar year.

An Ordinance authorizing the Mayor to accept a Donation of Five Hundred (\$500.00) dollars, from Partners for Youth, Inc., for the Charles Young Dancers and appropriating funds pursuant to Schedule No. 84.

An Ordinance amending certain of the budgets to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds remaining in FY 2005 into FY 2006 as approved at the October 4, 2005 Council Work Session, Schedule No. 91.

An Ordinance amending certain of the budgets to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 80.

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An Ordinance accepting the proposal of CherryRoad Technologies, Inc., for the Enterprise Resource Planning (“ERP”) System, and authorizing the Mayor to execute an Implementation Services Agreement and any other necessary documents with CherryRoad Technologies, Inc., for the installation, modification, implementation, conversion, integration, configuration, training and customization of the ERP System, at a total cost not to exceed \$3,764,800.00, a PeopleSoft User Productivity Kit Agreement, License and Services Agreement, and any other necessary documents with Oracle USA, Inc., for the acquisition, licensing, training, and support of the software for the ERP System, at a total cost not to exceed \$1,293,941.00, subject to sufficient funds being appropriated, and appropriating funds pursuant to Schedule No. 93 was on the docket for first reading.

Upon motion of Dr. Stevens, seconded by Ms. Shafer and passed by unanimous vote (Mr. Cegelka disqualified himself when the vote was taken), the ordinance was amended to change the total cost not to exceed to be paid to CherryRoad Technologies, Inc. from \$3,764,800.00 to \$4,360,160.00, to include maintenance under the Oracle USA, Inc. obligations, and to change the total cost not to exceed to be paid to Oracle USA, Inc. from \$1,293,135.00 to \$1,556,135.00.

The ordinance was given first reading as amended and ordered placed on file two weeks for public inspection.

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An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Governor's Office for Local Development, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$1,747,696.65 Commonwealth of Ky. funds, are for the Gainesway Park Restoration Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. __, and authorizing the Mayor to transfer unencumbered funds within the grant budget was on the docket for first reading.

Upon motion of Mr. Myers, seconded by Ms. Shafer and passed by unanimous vote, the ordinance was removed from the docket.

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The following resolutions were given second reading and passed by the following vote:

Aye: Farmer, Gorton, McChord, Moloney, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Cegelka, Ellinger ----- 13

Nay: ----- 0

A Resolution accepting the bid of Bluegrass Fire Equipment establishing a price contract for fire hose, for the Div. of Fire.

A Resolution accepting the bid of Ulrich Chemical, Inc., establishing a price contract for odor control chemicals, for the Div. of Sanitary Sewers.

A Resolution accepting the bid of YMCA of Central Ky. establishing a price contract for health/fitness facility, for the Div. of Fire.

A Resolution accepting the bid of Ready Mix Concrete establishing a price contract for wet mix concrete, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Worldwide Equipment establishing a price contract for dual drive cabs and chassis, for the Div. of Fleet Services.

A Resolution accepting the bid of Tri State Utility Sales & Service, Inc., in the amount of \$7,757.00, for contractor style truck body, for the Div. of Fleet Services.

A Resolution accepting the bid of Pierce Manufacturing, Inc., in the amount of \$833,042.00, for triple combination pumper truck, for the Div. of Fire.

A Resolution accepting the bid of Ladukes Irrigation/Diamond Pro establishing a price contract for baseball field drying conditioner, for the Div. of Parks.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed of Permanent Storm Sewer Easement and Temporary Construction Easement from Chad and Gina Warren located at 136 Suburban Court, for the Dantzler Arcadia Cherokee Park Phase II Project, and authorizing payment in the amount of \$1,500.00, plus usual and appropriate closing costs.

A Resolution rescinding Resolution No. 353-2005 and terminating the Agreement approved therein, and authorizing the Mayor to execute an Agreement with Ky. Alltel, Inc. (d.b.a./a.k.a. Alltel Communications, Inc.), for non-emergency 3-1-1 service for an initial term of three (3) years, at a cost not to exceed \$3,920.00.

A Resolution authorizing the Mayor to execute an Agreement with Hill-N-Dale Neighborhood Association, Inc. (\$800.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor to execute a Clinical Services Agreement with the University of Ky., for the provisions of dental health services to clients of the Family Care Center by the College of Dentistry, at a cost not to exceed \$208,036.00.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Transportation Cabinet and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$200,000.00 Federal funds, and are for the Hazard Elimination and Safety Program along the US 27 Corridor in Fayette County.

A Resolution authorizing the Dept. of Law to accept a Deed of temporary construction easement from Michael and Susan Marcum, 854 East Loudon Avenue for the Loudon Avenue Improvement Project, at a cost not to exceed \$125.00 and authorizing the Mayor to execute a Consideration Certificate.

A Resolution authorizing the Dept. of Law to execute a Deed of temporary construction easement and permanent utility easement with Ky. Utilities Co. for the property located at 424 Speigle Street (Speigle Park), at no cost to the Urban County Government.

A Resolution authorizing the Dept. of Law to accept a Deed conveying a temporary construction easement, permanent traffic signal easement and fee simple right of way from Russell Lundgren, Kimberly Lundgren Hamlin, Richard Hamlin, and Sharon Lundgren, for property located at 825 East Loudon Avenue, for the Loudon

Avenue Improvements Project, and authorizing payment in the amount of \$2,475.00, plus usual and appropriate closing costs and authorizing the Mayor to execute a Consideration Certificate.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed of permanent storm sewer easement and temporary construction easement from Carrie Miano located at 139 Suburban Court, for the Dantlzer Arcadia Cherokee Park Phase II Project, and authorizing payment in the amount of \$525.00, plus usual and appropriate closing costs.

A Resolution approving the granting of an Inducement to Aramark Uniform and Career Apparel (AUCA) pursuant to the Ky. Jobs Development Act, by allowing all of its employees whose jobs have been deemed by the Ky. Jobs Development Authority to have been created as a result of Aramark Uniform and Career Apparel (AUCA) expanding its Fayette County facility at 1340 Russell Cave Road and who are paying the service and technology job creation assessment fee to have their occupational license fee reduced by one-fifth ($1/5$) of the assessment fee for a term of not longer than ten (10) years from the activation date established by Aramark Uniform and Career Apparel (AUCA), subject to the limitations contained in the Ky. Jobs Development Act; and taking other related action.

A Resolution approving the granting of an Inducement to Affiliated Computer Services (ACS) pursuant to the Ky. Jobs Development Act, by allowing all of its employees whose jobs have been deemed by the Ky. Jobs Development Authority to have been created as a result of Affiliated Computer Services (ACS) expanding its Fayette County facility at the former Yum Brands Building and who are paying the service and technology job creation assessment fee to have their occupational license fee reduced by one-fifth ($1/5$) of the assessment fee for a term of not longer than ten (10) years from the activation date established by Affiliated Computer Services (ACS), subject to the limitations contained in the Ky. Jobs Development Act; and taking other related action.

A Resolution amending section 2 of Resolution No. 311-2005 to correct the amount of consideration to be paid for the temporary construction easement from \$620.00 to \$625.00.

A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-46, to designate the Preakness Drive area as being prohibited to thru trucks; authorizing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-52 and 18-67, to designate all of Anniston Drive as being subject to a 25 mph speed limit; authorizing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-46, to designate all streets within the Arbors Subdivision as being prohibited to thru trucks; authorizing the Div. of Traffic Engineering to install proper and appropriate signs at all entrances to said subdivision in accordance with the designation.

A Resolution authorizing the advertisement for bids and the distribution of a Preliminary Official Statement for the purchase of Lexington-Fayette Urban County Government General Obligation Public Project Refunding Bonds, Series 2005 in an aggregate principal amount not to exceed \$63,000,000.

A Resolution authorizing the Mayor to execute a Statement of Compliance with Commonwealth of Ky., Transportation Cabinet, for bridge posting requirements.

A Resolution authorizing the Mayor to execute and submit an Application to the Ky. Dept. of Education for approval to provide preschool education services at the Family Care Center through Fayette County Public Schools.

A Resolution authorizing the Mayor to execute a Memorandum of Understanding with the Cabinet for Health and Family Services, for safeguarding confidential information of clients in Public Assistance Programs.

A Resolution authorizing the Mayor to execute an Agreement with R. J. Corman Railroad Company/Central Ky. Line, LLC, for reimbursement of costs associated with a sanitary sewer relocation at the Manchester Street Railroad Crossing, at a cost not to exceed \$104,767.85.

A Resolution authorizing the Mayor to execute a Professional Services Agreement with Abdul Quayyum for professional services as an independent contractor

selected to serve as the Enterprise Resource Planning (ERP) Project Manager, at a cost not to exceed \$150,000 annually.

A Resolution authorizing the Mayor to execute Agreements with Lexington Heritage Football Classic, Inc. (\$250.00), Park Place Neighborhood Association, Inc. (\$1,000.00), and Bluegrass Miracle League, Inc. (\$4,000.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute Rural and Inner City Adopt-A-Spot Program Agreements with St. Andrews United Methodist Church, BSA #220, (\$1,304.12), Porter Memorial Baptist Church (\$1,332.32), Bluegrass Chapter Order of Demolay (\$1,103.60), Aldersgate Methodist Church, BSA #59 (\$1,567.20), Immanuel Baptist Church, BSA #41 (\$1,231.68), Mary Queen of the Holy Rosary, BSA #282 (\$1,265.40), Rosemont Baptist Church, BSA #98 (\$1,157.40), Beaumont Presbyterian, BSA #279 (\$1,038.28), Christian Youth Fellowship (\$1,942.51), Phillips Memorial Church (\$2,191.56), Tates Creek HS Lacrosse Club (\$522.98), U. S. Naval Sea Cadet Corp. (\$772.00), Boy Scout Troop #103 (\$298.85), Boy Scout Troop #13 (\$1,992.32), Boy Scout Troop #186 (\$273.95), Boy Scout Troop #382 (\$448.27), and Boy Scout Troop #246 (\$636.12), for services, at a cost not to exceed \$19,078.56.

A Resolution authorizing the Mayor to execute a Utility Relocation Reimbursement Agreement with Ky. Utilities Co., for the Loudon Avenue Improvement Project, at a cost not to exceed \$6,490.37.

A Resolution authorizing the Mayor to execute a Renewal Agreement with the YMCA of Central Ky. for the Lexington-Fayette Urban County Government's Corporate Wellness Program for a period beginning July 1, 2005 and ending June 30, 2006, to be effective retroactive to July 1, 2005.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with Quest Engineers, Inc., for the design of the I-75 Noise Abatement Project, increasing the contract price by the sum of \$8,000.00 from \$124,000.00 to \$132,000.00.

A Resolution authorizing the Mayor to execute Change Order No. 2 to the Contract with Woodford Builders, Inc. for the Recycling Center Expansion Project, increasing the contract price by the sum of \$14,247.00 from \$2,180,252.95 to \$2,194,499.95.

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A Resolution ratifying the probationary civil service appointments of: T. J. Taylor, Engineering Technician Sr., Grade 113E, \$1,712.56 bi-weekly, in the Div. of Sanitary Sewers, effective October 3, 2005, Bethany Todd, Administrative Specialist, Grade 110N, \$12.220 hourly, in the Div. of Government Communications, effective October 3, 2005, Sara Morris, Communications Officer Sr., Grade 113N, \$16.166 hourly, in the Div. of Police, effective September 19, 2005, Lesley A. Powell, Communications Officer Sr., Grade 113N, \$15.737 hourly, in the Div. of Police, effective September 19, 2005, Evelyn Mace, Probation Unit Supervisor, Grade 113E, \$1,481.12 bi-weekly, in the Div. of Community Corrections, effective September 19, 2005, Amanda Massey, Staff Assistant Sr., Grade 108N, \$11.103 hourly, in the Div. of Revenue, effective October 3, 2005, Wayne Wallen, Public Service Worker Sr., Grade 107N, \$12.146 hourly, in the Div. of Streets, Roads & Forestry, effective October 3, 2005, Stephen Parker, Municipal Engineer Sr., Grade 119E, \$2,050.00 bi-weekly, in the Div. of Engineering, effective October 3, 2005, Betty Jo Hash, Administrative Specialist Sr., Grade 112N, \$17.722 hourly, in the Dept. of Law, effective September 12, 2005, William Mabson, Jr., Equipment Operator Sr., Grade 109N, \$13.485 hourly, in the Div. of Solid Waste, effective October 3, 2005; ratifying the permanent civil service appointments of: Warren A. Moore, Information System Specialist, Grade 111N, in the Div. of Fire, effective September 14, 2005, Angelia Dixon, Administrative Specialist Sr., Grade 112N, in the Dept. of Law, effective August 14, 2005, Michael Horn, Attorney Sr., Grade 121E, in the Dept. of Law, effective September 7, 2005, Carolyn Zerga, Attorney Sr., Grade 121E, in the Dept. of Law, effective September 7, 2005, Wayne Wallen, Parking Meter Repair Worker, Grade 104N, in the Div. of Revenue, effective May 22, 2005, John S. Walker, Custodial Worker, Grade 102N, in the Div. of Building Maintenance and Construction, effective July 10, 2005, Margaret Nesbitt, Human Resources Analyst, Grade 115E, in the Div. of Human Resources, effective June 15, 2005, James Dodson, Human Resources Analyst, Grade 115E, in the Div. of Human Resources, effective June 15, 2005, John F. Hoagland, Code Enforcement Officer, Grade 113N, in the Div. of Building Inspection, effective October 4, 2005, Cynthia Relford, Staff Assistant Sr., Grade 108N, in the Div. of Solid Waste, effective July 24, 2005; ratifying the probationary sworn appointments of: James Wright, Police Sergeant, Grade 315N, \$23.934 hourly, in the Div. of Police, effective September 5, 2005, Jonathan Sherrod, Police Lieutenant, Grade 317E, \$2,429.52 bi-weekly, in the Div. of Police, effective

September 5, 2005; approving leave of absence for: Roderick Vinegar, Custodial Worker, Grade 102N, in the Div. of Building Maintenance and Construction, request a 90 day Council leave of absence without pay effective September 26, 2005 through December 24, 2005, Suzanne Taylor, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, request a 90 day Council leave of absence without pay effective September 14, 2005 through December 12, 2005; approving the unclassified civil service appointment of: Calvin Banks, Staff to Council II, Grade 000E, \$1,923.08 bi-weekly, in the Office of the Urban County Council, effective July 18, 2005, Dina R. Melvin, Staff to Council II, Grade 000E, \$1,346.15 bi-weekly, in the Office of the Urban County Council, effective September 12, 2005 was on the docket for second reading.

Ms. Shafer made a motion, seconded by Ms. Gorton, to amend the resolution to remove the probationary civil service appointment of Lesley A. Powell, Communications Officer, in the Div. of Police and to change the effective date for Amanda Massey, Staff Assistant Sr., in the Div. of Revenue, from October 3, 2005 to September 19, 2005.

The Council asked Ms. Terry Holmes, Acting Director of the Div. of Human Resources, about the reasons for the amendment.

The motion passed by unanimous vote.

The resolution was given second reading as amended and passed by the following vote:

Aye: Farmer, Gorton, McChord, Moloney, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Ellinger ----- 12

Nay: Cegelka ----- 1

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A Resolution amending Resolution No. 457-2005 to direct that the recommendations sent to the Ky. Dept. of Intergovernmental Programs for the 2005-2006 Bond Program shall be the 12th Street, Clays Mill Road Phase I, Fontaine at Chinoe, Lansdowne at Reynolds Road, Pine Needles, and eligible road improvement projects in the 12 council districts, with an estimated cost of \$3,319,401 was given second reading and passed by the following vote:

Aye: Farmer, Gorton, McChord, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Ellinger ----- 11

Nay: Moloney, Cegelka ----- 2

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A Resolution accepting the bid of Central Rock Mineral Co., LLC, in the amount of \$801,281.33, for construction of Bluegrass-Aspendale Connector was on the docket for second reading.

Mr. Brown stated that there were citizens present who wanted to speak on the resolution before it was given second reading.

The Vice-Mayor stated that there was a public meeting scheduled for 8:00 p.m. tonight for citizens to speak on the issues involved.

Mr. Brown requested that the citizens be allowed to speak on the resolution before it was given second reading.

There was a discussion among the Council on whether to have public comment at this time.

Mr. Brown made a motion, seconded by Mr. Wigginton, to allow the citizens who were present to speak on the resolution.

Mr. Farmer asked how many of the citizens present wanted to speak before the Council, and those interested raised their hands.

The Vice-Mayor stated that each person would be allowed to speak for three minutes.

Mr. Brown withdrew his motion and Mr. Wigginton withdrew his second for it.

The following citizens spoke concerning the resolution: (1) Mr. Terrence Tichenor, 548 Grinstead Street, (2) Mr. Bruce Mundy, 1839 Donco Court, (3) Mr. Charles Jones, and (4) Mr. Bernard McCarthy, 515 Harry Street.

Mr. Ellinger made a motion, seconded by Ms. Gorton and passed by majority vote, to table the resolution until the next Council Meeting scheduled for October 20, 2005.

Mr. Cegelka asked Mr. David Holmes, Commissioner of the Dept. of Law, about the legal requirements for calling a Special Meeting.

The ordinance was ordered placed on file for public inspection until October 20, 2005.

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The following resolutions were given first reading. Upon motion of Mr. Myers and seconded by Mr. McChord, the rules were suspended by unanimous vote. The

resolutions were given second reading and passed by the following vote:

Aye: Farmer, Gorton, McChord, Moloney, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Cegelka, Ellinger ----- 13

Nay: ----- 0

A Resolution amending Sections 4.103(3) and 4.108(2) of the Rules and Procedures of the Lexington-Fayette Urban County Council, which were adopted by Resolution No. 55-79, as amended, to change the term “public meeting(s)” to “public forum”, to create a public forum when requested by the Urban County Council for public comments on issues and to clarify that public forums are not special meetings.

A Resolution authorizing the Mayor to accept a donation and execute a Donation Release Agreement for 86 round mesh trash receptacles and 34 square solid trash receptacles from Toyota Motor Manufacturing, Ky., Inc., for use at Woodland and Shillito Parks.

A Resolution authorizing the Mayor to execute an Agreement with Lexington Joint Ventures d/b/a Fayette Mall, for fire prevention week activities, at no cost to the Urban County Government.

A Resolution ratifying the probationary civil service appointments of: Levi Bourget, Signs and Markings Supervisor, Grade 115N, \$19.251 hourly, in the Div. of Traffic Engineering, effective September 19, 2005, Rebecca Burke, Staff Assistant Sr., Grade 108N, \$16.230 hourly, in the Div. of Revenue, effective August 22, 2005, Jamie Etherton, Staff Assistant, Grade 107N, \$10.429 hourly, in the Div. of Youth Services, effective October 17, 2005, Christian Harvey, Public Service Worker, Grade 106N, \$10.930 hourly, in the Div. of Parks, effective October 17, 2005, James Curry, Jr., Public Service Worker, Grade 106N, \$13.431 hourly, in the Div. of Parks, effective October 17, 2005, Joshua Potter, Equipment Operator Sr., Grade 109N, \$14.807 hourly, in the Div. of Solid Waste, effective October 17, 2005, Bill Treadway, Electronic Supervisor, Grade 115E, \$2,082.96 bi-weekly, in the Div. of Traffic Engineering, effective September 19, 2005; ratifying the permanent civil service appointments of: Willetta Mitchell, Public Service Worker, Grade 106N, in the Div. of Solid Waste, effective August 21, 2005, David Spears, Public Service Worker, Grade 106N, in the Div. of Solid Waste, effective August 21, 2005, Jacob Young, Public Service Worker, Grade 106N, in the Div. of Solid Waste, effective August 21, 2005, McKinley Schooler, Public Service Worker, Grade 106N, in the Div. of Solid Waste, effective September 7,

2005, Raymond Toussaint, Equipment Operator Sr., Grade 109N, in the Div. of Solid Waste, effective August 7, 2005, John Taylor, Equipment Operator Sr., Grade 109N, in the Div. of Solid Waste, effective September 7, 2005, Lonnie Winn, Public Service Supervisor, Grade 114E, in the Div. of Solid Waste, effective August 21, 2005, Jessie Heard, Public Service Supervisor, Grade 114E, in the Div. of Solid Waste, effective August 21, 2005, James E. Carter, Public Service Supervisor, Grade 114E, in the Div. of Solid Waste, effective August 21, 2005, Byron Craycraft, Public Service Worker Sr., Grade 107N, in the Div. of Parks, effective September 21, 2005, Billie Ayers, Administrative Specialist Sr., Grade 112N, in the Div. of Government Communications, effective August 21, 2005, Jessica Albright, Sasa Cibula, Curtis Dexter, Kristie Hardin, Tina Powell, Christopher Stanger, and Angela Hardin-Taylor, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 21, 2005, Candice Deininger, Administrative Specialist Principal, Grade 114E, in the Div. of Revenue, effective June 6, 2005, James L. Holman, Skilled Trades Worker Sr., Grade 112N, in the Div. of Parks, effective July 10, 2005, Richard F. Curtis, Administrative Officer, Grade 118E, in the Dept. of Public Safety, effective December 14, 2004; ratifying the permanent sworn appointment of: Clayton Roberts, Police Sergeant, Grade 315N, in the Div. of Police, effective September 14, 2005; approving leave of absence for: James D. Duff, Equipment Operator Sr., Grade 109N, in the Div. of Streets, Roads & Forestry, request a 90 day Council Leave of Absence without pay effective October 10, 2005 through January 7, 2006; approving the unclassified civil service appointment of: Christine Leidgen, Staff Assistant Sr., Grade 108N, \$10.773 hourly, in the Div. of Family Services, effective October 17, 2005.

A Resolution authorizing the Mayor to execute Agreements with East End Area Neighborhood Association, Inc. (\$500.00), Gainesway Neighborhood Association, Inc. (\$500.00), Cardinal Valley Neighborhood Association, Inc. (\$1,500.00), Wyndham Downs Homeowners Association, Inc. (\$1,000.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute an Agreement with Part D Advisors, Inc. ("PDA"), for Medicare Part D Implementation Services and to execute any other documentation necessary to participate in the New Retiree Drug Subsidy Program, at a

cost not to exceed twenty-five percent of the amount of each drug subsidy received and authorizing payment of a per hour fee for consulting services if such services are utilized.

A Resolution authorizing the Mayor to execute a Second Amendment to Agreement with Asbury College, for production of Spanish translations of educational materials created for Project Safe Neighborhoods, increasing the agreement amount by the sum of \$22,320.00 from \$199,208.00 to \$221,528.00.

A Resolution authorizing the Mayor to accept a Donation of \$120.00 from the Fayette County Board of Education, for the Gainesway Community Empowerment Center to fund Homework Huddle.

A Resolution authorizing the Mayor to accept a Donation of \$3,750.00 from Barkham, Inc., for the Gainesway Community Empowerment Center to fund sports activities.

A Resolution authorizing the Mayor to execute Contracts with Elkhorn Park Neighborhood Association (\$1,000.00), Hollywood-Mt. Vernon Neighborhood Association (\$6,000.00), Lake Area Neighborhood Association (\$9,485.00), Lansdowne Neighborhood Association (\$780.00), Meadows-Loudon Avenue Neighborhood Association (\$900.00), Port Royal Neighborhood Association (\$7,000.00), Saddle Club Subdivision Homeowners Association (\$1,000.00), Taborlake Subdivision Association, Inc., (\$7,364.00), Winburn Neighborhood Association (\$9,000.00), Woodfield Home Association (\$7,650.00), Wyndham Downs Neighborhood Association (\$9,998.00), Autumn Ridge Homeowners Association, Inc., (\$6,227.00), Dogwood Trace Neighborhood Association (\$9,467.00), Harrods Hill Neighborhood Association (\$9,000.00), Lansdowne-Merrick Neighborhood Association (\$5,585.00), Rosemill Neighborhood Association (\$670.00), Spindletop Community Association (\$1,500.00), Greenbrier Residents, Inc., (\$2,000.00), Meadowthorpe Neighborhood Association (\$4,496.00), Spicewood Homeowners Association (\$2,164.00), for carrying out various neighborhood activities and improvements, at a cost not to exceed \$101,286.00.

A Resolution authorizing the Mayor to execute Contracts with Delta Dental Plan of Kentucky, Inc., for premier and preferred dental insurance plans for Policemen's and Firefighters' Retirement Fund retirees from January 1, 2006 through December 31, 2006, at no cost to the Government.

A Resolution authorizing the Mayor to execute an Administrative Services Contract with Delta Dental Plan of Kentucky, Inc., for administration of dental insurance plans, both premier and preferred, for the period January 1, 2006 to December 31, 2006, at a cost not to exceed 11.20% of cost of claims.

A Resolution authorizing the Mayor to execute an Administrative Services Contract with Eyemed Vision Care (Combined Insurance Company of America), for group vision care insurance covering Lexington-Fayette Urban County Government active employees from January 1, 2006 through December 31, 2006, at no cost to the Government.

A Resolution authorizing the Mayor to execute a Claims Payment Agreement with Humana Insurance Company, for HMO and PPO Health Insurance Plans for the period January 1, 2006 through December 31, 2006, at a cost not to exceed \$29.01 per member per month.

A Resolution authorizing the Mayor to execute an Administrative Services Agreement with Aetna Life Insurance Company, for administration of health care claims for the period January 1, 2006 through December 31, 2006, at a cost not to exceed \$33.08 per member per month.

A Resolution authorizing and directing the Dept. of Law to accept a Promissory Note from Joe R. B. Hacker, II and Franklin D. Caldwell, in the amount of \$247,782.71 for payment of exaction fees for Gleneagles Subdivision.

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A Resolution authorizing the Mayor to execute an Agreement with Community Reinvestment Alliance of Lexington, Inc., for operation of a housing counseling program for low-income households, at a cost not to exceed \$15,000.00 was given first reading.

Upon motion of Mr. Myers and seconded by Mr. McChord, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Farmer, Gorton, McChord, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Cegelka, Ellinger ----- 12

Nay: ----- 0
(Mr. Moloney disqualified himself when the vote was taken.)

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The following resolutions were given first reading. Upon motion of Mr. Myers and seconded by Mr. McChord, the rules were suspended by unanimous vote. The resolutions were given second reading and passed by the following vote:

Aye: Farmer, Gorton, McChord, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Cegelka, Ellinger ----- 12

Nay: Moloney ----- 1

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Betty Duvall, located at 555 Anniston Drive, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$1,825.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Jerry McCray, located at 559 Anniston Drive, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$1,825.00, plus usual and appropriate closing costs.

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Upon motion of Mr. Myers, seconded by Ms. Shafer and passed by unanimous vote, a Resolution authorizing the Mayor to execute and submit a Grant Application to the Governor's Office for Local Development and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$1,747,696.65 Commonwealth of Ky. funds, and are for the Gainesway Park Restoration Project was placed on the docket and given first reading.

Upon motion of Mr. Myers and seconded by Mr. McChord, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Farmer, Gorton, McChord, Moloney, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Cegelka, Ellinger ----- 13

Nay: ----- 0

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Upon motion of Mr. Wigginton, seconded by Mr. McChord and passed by unanimous vote, a Resolution authorizing the Mayor to execute a Lease Agreement with Manchester Center, Inc., for space in the Carver Center, effective October 1, 2005 was placed on the docket and given first reading.

Upon motion of Mr. Myers and seconded by Mr. McChord, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Farmer, Gorton, McChord, Moloney, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Cegelka, Ellinger ----- 13

Nay: ----- 0

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Upon motion of Mr. Farmer, seconded by Mr. Ellinger and passed by unanimous vote, a Resolution requesting the Interim Joint Committee on Appropriations and Revenue of the Ky. General Assembly give priority to the funding of road projects during the 2006 Legislative Session was placed on the docket and given first reading.

Upon motion of Mr. Myers and seconded by Mr. McChord, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Farmer, Gorton, McChord, Moloney, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Cegelka, Ellinger ----- 13

Nay: ----- 0

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Upon motion of Mr. Farmer, seconded by Mr. McChord and passed by unanimous vote, a Resolution accepting the bid of Exelon Energy Co. in an amount equal to the natural gas price at the time of requested delivery based on rates established by the New York Mercantile Exchange plus \$1.145 per decatherm for transportation of the natural gas, and authorizing the Mayor to execute an Agreement with Exelon Energy Co., all for the direct purchase and transportation of natural gas for use by the Div. of Community Corrections at 600 Old Frankfort Circle, at a cost not to exceed \$450,000.00 was placed on the docket and given first reading.

Upon motion of Mr. Myers and seconded by Mr. McChord, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Farmer, Gorton, McChord, Moloney, Myers, Scanlon, Shafer,
Stevens, Stinnett, Wigginton, Brown, Cegelka, Ellinger ----- 13

Nay: ----- 0

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The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of Odyssey Management Group, Inc. and United Building Services, Inc., establishing a price contract for custodial services contract B2, B3, B5 and B6.

A Resolution accepting the bid of Sherman and Schroder Equipment, in the amount of \$42,598.00, for digester gas compressors, for the Div. of Sanitary Sewers.

A Resolution accepting the bid of Environmental Recycling, Inc. establishing a price contract for recycling of white goods.

A Resolution accepting the bid of Wilhod, Inc., establishing a price contract for traffic sign installation and maintenance.

A Resolution accepting the bids of Economy Plumbing & Heating and Ken Tyson Plumbing, Inc., establishing a price contract for sump pump redirection.

A Resolution accepting the bid of Smith Services establishing a price contract for switch gear maintenance.

A Resolution accepting the bid of L-M Asphalt Partners Ltd. d/b/a Central Ky. Asphalt establishing a price contract for asphalt, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of L-M Asphalt Partners, Ltd. d/b/a Central Ky. Asphalt in the amount of \$2,100,000.00, for city street resurfacing, for the Div. of Streets, Roads and Forestry.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the U.S. Dept. of Justice and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$15,350.00 Federal funds, and are for the purchase of bullet proof vests for the Div. of Police (\$6,500.00), the Fayette County Sheriff's Office (\$7,550.00), and the Bluegrass Airport Police (\$1,300.00).

A Resolution authorizing the Div. of Risk Management to purchase aviation liability insurance from Ace Insurance Co. for a police helicopter at a cost not to exceed \$8,819.00 and authorizing payment to Marsh USA, Inc., on behalf of Ace Insurance Co.

A Resolution authorizing the Mayor to execute a Conference Room Use Agreement with the Lexington Public Library, for use of the library theater for a Government Finance Officer Association (GFOA) video conference.

A Resolution authorizing the Mayor to execute a Maintenance Agreement with A. B. Dick Products of Lexington, Inc., for maintenance of multi-function copiers, for the Div. of Community Corrections, at a cost not to exceed \$10,250.00.

A Resolution authorizing the Mayor to execute Maintenance Service Agreement with Standard Business Machines, for maintenance on Sharp Copier, at a cost not to exceed \$13,992.25.

A Resolution authorizing the Mayor to execute Agreements with The Friends of McConnell Springs, Inc. (\$900.00), Beaumont Middle School PTA, Inc. (\$450.00), Metropolitan Woman's Club, Inc. (\$700.00), and NAMI Lexington (KY), Inc. (\$850.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute a Kentucky Work Study Agreement between Eastern Kentucky University (EKU) and the Lexington-Fayette Urban County Government, for participation in the Work Study Program for eligible students, who will perform specific work assignments within various Lexington-Fayette Urban County Government departments and divisions during FY 2006.

A Resolution authorizing the Mayor to execute the Maintenance Service Agreement with Liebert Global Services, for UPS Maintenance Service, at a cost not to exceed \$8,248.00.

A Resolution authorizing the Mayor to execute an Agreement with International Business Machines Corporation, for hardware and software maintenance, at a cost not to exceed \$15,220.00.

A Resolution making a Declaration of Official Intent with respect to reimbursement from subsequent borrowings of temporary advances made for capital expenditures for the Enterprise Resource Planning System Project, in the aggregate amount of \$6,400,000.00 if the Urban County Government determines that it will not fund the Project with its available revenues or funds.

A Resolution initiating a Zoning Ordinance Text Amendment for Planning Commission review and recommendation so as to create an Agricultural Market Overlay Zone for the marketing of livestock as was previously recommended by the Planning Commission on October 9, 2003.

A Resolution authorizing the Mayor to execute a Memorandum of Agreement with Kentucky Senior Games, Inc., for the 2005 and 2006 Kentucky Senior Games, at no cost to the Urban County Government.

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Upon motion of Ms. Shafer, seconded by Mr. Ellinger and passed by unanimous vote, the communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Cindy Derer to the Board of Health with a term to expire 6-30-2007. Ms. Derer will fill the unexpired term of Gerald Ferretti as the Dental Society Representative; (2) Recommending the appointment of Joe Schuler to the CASA Advisory Board with a term to expire 6-11-2007. Mr. Schuler will fill the unexpired term of Carlola Perry Foster and (3) Recommending the appointment of Logan Weiler to the Community Partnership Action Council with a term to expire 6-13-2008. Mr. Weiler will fill the unexpired term of Roy Vanhoozer as 11th District Representative.

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The following communications were received from the Mayor for information only: (1) Resignation of Eric Willoughby, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 16, 2005; (2) Resignation of Candace Snowden, Equipment Operator Sr., Grade 109N, in the Div. of Solid Waste, effective September 21, 2005; (3) Resignation of Tyrone Henson, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 21, 2005; (4) Resignation of Rhonda Cromer, Planning Technician, Grade 110N, in the Div. of Planning, effective September 23, 2005; (5) Resignation of Donna Brooks, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 27, 2005; (6) Resignation of James S. Catt, Probation Officer, Grade 110N, in the Div. of Community Corrections, effective September 23, 2005 and (7) Termination of probationary appointment of Paul Litz, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 16, 2005.

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The report from the Div. of Sanitary Sewers for the month of August, 2005 was received and ordered filed.

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Assistant Chief William Swope, Div. of Fire, stated that Nathan Vanderhoff has committed the offense of misconduct in violation of KRS 95.450 and Chapter 17, Section 21-45 of the Lexington-Fayette Urban County Government Uniform Disciplinary Code in that on the 21st day of June, 2005 he acted in an inappropriate and unprofessional manner, the employee was loud, threatening and intimidating during his interview with the panel and that the appropriate punishment for this conduct is a written reprimand.

Upon motion of Ms. Shafer and seconded by Ms. Gorton, the disciplinary action was approved by unanimous vote.

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Ms. Susan Byars, 4092 Iron Works Pike, stated that she was against the zoning ordinance text amendment to create an Agricultural Market Overlay Zone.

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The Council adjourned at 8:22 p.m.

Clerk of the Urban County Council